

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HENRY ZABALA-ZORILLA	:	CIVIL ACTION
	:	
v.	:	NO. 19-544
	:	
TAMMY FERGUSON, <i>et al.</i>	:	

ORDER

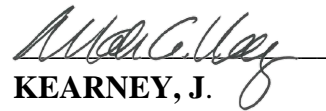
AND NOW, this 8th day of February 2022, upon careful and independent review of Petitioner Henry Zabala-Zorilla's pro se Petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF Doc. No. 1) arising from his state court conviction for rape and kidnapping of two women and related charges, although not convicted on charges involving three other women, his counseled supplemented and amended Petition for writ of habeas corpus (ECF Doc. No. 8), his counseled Memorandum in support of his habeas petition as amended (ECF Doc. No. 32), Judge Reid's exhaustive Report recommending we deny the Petition (ECF Doc. No. 36), Mr. Zabala-Zorilla's pro se Objections to Judge Reid's Report and Recommendation (ECF Doc. No. 45), all documents in the record, finding no basis for an evidentiary hearing or merit to his pro se and counseled arguments for relief, and for reasons in an accompanying Memorandum addressing a different analysis of the challenge to the supplemental jury instruction but still unable to excuse the procedural default, it is **ORDERED** we:

1. **OVERRULE** Mr. Zabala-Zorilla's Objections (ECF Doc. No. 45);
2. **APPROVE AND ADOPT** Judge Reid's Report and Recommendation (ECF Doc. No. 36) with the amendment to Judge Reid's reasoning in denying the challenge to the supplemental instruction;

3. **DISMISS AND DENY** the Petition for writ of habeas corpus (ECF Doc. No. 1) and supplemented and amended Petition for writ of habeas corpus (ECF Doc. No. 8) with prejudice;

4. **DENY** a certificate of appealability; and

5. The Clerk of the Court shall **close** this case.


KEARNEY, J.